

REMARKS

Claims 9-12 are presented for examination after amendment herein. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Restriction Requirement:

Applicant has canceled withdrawn claims 13 and 15-20.

Response to Rejections Under Section 112:

Claims 9-12 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants has amended claims 9 and 10 to resolve the indefiniteness issues. Therefore, Applicants respectfully request the Examiner withdraw the section 112, second paragraph rejections.

Response to Rejections Under Section 103:

Claims 9-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP-101091 (Kimura).

Claim 9:

Applicant's amended claim 9 recites in part:

... a calculating device **configured to calculate a first operative sound level of a first operative sound signal** recorded in a closed state of the valve **induced during operation of the pump** and to calculate a **second operative sound level of a second value of a second operative sound signal** recorded in an open state of the valve **induced during operation of the pump**

Kimura teaches a method and apparatus to determine if a shut off valve is closed or not using a sound generator. Kimura teaches operating a loud speaker in a pipe connected to the valve to be tested and measuring a sound pressure on both sides of the valve at various positions to determine if the valve is closed.

Applicant respectfully submits that the method of Kimura does not teach or suggest Applicant's claimed invention. At the heart of the invention of Kimura is the transmissibility of sound waves across the butterfly valve to determine the state of the valve. However, Applicant's

invention relates to the sound induced or generated due to a leakage fluid flowing through the valve during operation of the pump.

Applicant submits that Kimura does not teach or suggest "... a calculating device configured to calculate a **first operative sound level of a first operative sound signal** recorded in a closed state of the valve **induced during operation of the pump** and to calculate a **second operative sound level of a second value of a second operative sound signal** recorded in an open state of the valve **induced during operation of the pump**" Kimura merely teaches measuring a sound level before and after a butterfly valve and comparing the difference to determine if the valve is closed. Whereas here, Applicant's claim 9 recites calculating operative sound levels and comparing the levels to determine a faulty operation of the valve.

In light of the above, Applicant respectfully submits that claim 9 is patentable as well as claims 10-12 at least based on their dependence from claim 9 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103(a) rejections and timely pass the application to allowance.

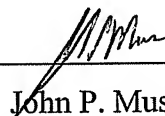
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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner enter this amendment and reconsider the objections and rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 12/10/08

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